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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 Sean Mitchell Jr.,

7 Plaintiff,

8 v.

9 Timothy; and Kayla Padgett; et al.,

10 Defendants.

Case No. 2:24-cv-01396-RFB-DJA

11 **Order**

12 This matter is before the Court on *pro se* Plaintiff Sean Mitchell Jr.'s application to
13 proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 (ECF No. 1) and Complaint (ECF No. 1-
14 1). Plaintiff's application to proceed *in forma pauperis* is not on the Court's approved form.
15 Instead, it is on a state court form. However, this Court—the United States District Court for the
16 District of Nevada—is federal court and Plaintiff must use the federal form.¹ Under Nevada
17 Local Special Rule (LSR) 1-1, applications to proceed *in forma pauperis* “must be made on the
18 form provided by the court.”² The Court will therefore deny the application to proceed *in forma*
19 *pauperis* without prejudice for Plaintiff to re-file a complete application on the correct form or to
20 pay the filing fee.

21 **IT IS THEREFORE ORDERED** that Plaintiff's application to proceed *in forma*
22 *pauperis* (ECF No. 1) is **denied without prejudice**.

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26 ¹ These forms can be found online at <https://www.nvd.uscourts.gov/court-information/forms/>.

27 ² LSR 1-1 refers to the Court's local rule on applications to proceed *in forma pauperis*. The
28 Court's local rules may be accessed on the Court's website, <https://www.nvd.uscourts.gov/court-information/rules-and-orders/>.

1 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to send Plaintiff
2 a copy of this order and the form application for a non-inmate to proceed *in forma pauperis* and
3 its accompanying instruction packet.

4 **IT IS FURTHER ORDERED** that Plaintiff shall have until **September 23, 2024** to
5 either: (1) file a complete application to proceed *in forma pauperis* in compliance with 28 U.S.C.
6 § 1915(a)(1) and LSR 1-1; or (2) pay the full \$405 filing fee, which includes the \$350 filing fee
7 plus the \$55 administrative fee. **Plaintiff is advised that failure to comply with this order will**
8 **result in a recommendation to the district judge that the case be dismissed.**

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10 DATED: August 23, 2024

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13 DANIEL J. ALBRECHTS
14 UNITED STATES MAGISTRATE JUDGE
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